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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International-Lawyers.Org, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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State responsibility for the interference of human rights caused by the adverse effects of climate change

International-Lawyers.Org expresses its appreciation for the efforts, especially of developing countries, to indicate the danger the adverse effects of climate change pose to human rights. This danger is recognized by the overwhelming majority of climate scientists. We, however, deeply regret the failure of the Human Rights Council to take adequate action to encourage States to address the adverse consequences of climate change.

The most basic action that the Council could take is to appoint an UN Special Rapporteur on climate change and human rights. The Council has refused to take this action largely due to of the objections of mainly developed countries. We remind countries that failure to ensure the protection of human rights from the threats posed by climate change, at least by taking that States are obliged to take in the United Nations Framework Convention on Climate Change violates legal obligations to cooperate to ensure human rights. This failure of States to live up to their international legal obligations may invoke their responsibility for the internationally wrongful acts that are contrary to their international human rights law obligations.

The failure of States to take adequate action to ensure the protection of human rights, including the right to development and the right to health, in the new instrument being drafted to implement the United Nation Framework Convention on Climate Change and that will be adopted in Paris at COP21 in December of this year, is inconsistent with the responsibility of States to ensure the protection of human rights for all people.

International-Lawyers.Org urges all States to take adequate action to address the adverse consequences of climate change in a legally binding agreement containing unambiguously legal obligations ensuring (1) the complete elimination of greenhouse gas emissions by developed countries with in a reasonable period of time, (2) the conditionally elimination of greenhouse gas emissions by developing countries in proportion to the financing, capacity-building, and technology access that is provided to them by developed countries, and (3) the establishment of legally binding means of accountability for the implementation of the obligations therein.

We note that developed countries are aware of the harm their failure to eliminate greenhouse gas emissions is causing developing countries; their historical overuse of the atmosphere that has severely prejudiced the development of developing countries; and their failure for decades to provide adequate financing, capacity-building, and access to technology in accordance with their legal obligations in the UNFCCC.

We again urge the Council to create the mandate of an UN Special Rapporteur on climate change and human rights and we call on all of the mandate holders of the Council to expressly indicate to developed States that they have State responsibility for their actions as outlined above.

Finally, we draw attention to or joint written submission to the 29th Regular Session of the Council and past submissions which we have joined to both the Council and the UNFCCC processes that have already indicated the responsibility of States as outlined above.